Healthy Hunger-Free Kids Act of 2010

also known as

Child Nutrition Reauthorization

March 22, 2011 Live Meeting

Implementation Now

Categorical Eligibility of Foster Children

Section 102: Categorical eligibility of foster children

• Intent: Extend categorical eligibility to any foster child whose care and placement is the responsibility of the State or who is placed by a court with a caretaker household.

Foster Children Overview

- Applies only to formal foster care arrangements
- A foster child is categorically eligible and may be certified without an application
- Households may choose to include the foster child as a household member, as well as any personal income earned by the foster child, on the same application that includes their non-foster children
- The presence of a foster child does not convey eligibility of free meals to other children in the household

Foster Children Implementation

- Effective October 1, 2010
- LEAs and other child nutrition institutions must implement as soon as possible for any foster children identified by foster agencies or who submit new applications
- All household applications and supporting materials must be updated to reflect these changes no later than July 1, 2011

Foster Children Timeline

- Implementation memo issued January 31, 2011
- Q&A expected March 2011
- FNS will provide updated prototype applications and supporting materials online March 2011
- Eligibility guidance updated Spring 2011

Privacy Protection

Section 301: Privacy Protection

• Intent: Increase Privacy Protection

Privacy Protection Overview

- Removes the requirement to provide complete Social Security Number on applications
- Only requires the last four digits of the signing adult's Social Security Number
- Removes collection of SSN for verification

Privacy Protection Implementation

- Effective October 1, 2010
- Implement as soon as possible for any new applications
- All household applications and supporting materials must be updated to reflect these changes by July 1, 2011
- If unable to print all new material SA must develop alternate mechanisms for implementation

Food Safety Inspections

- Section Number 402: Food Safety Audits and Reports by States
- Intent: Extends current State food safety reporting requirements through fiscal year 2015.
- Does not change in any way the requirement that schools obtain two food safety inspections each year.
- Implementation guidance issued January 2011

Coming Soon

Spring 2011

Fluid Milk

• Section 202: Fluid Milk

• Intent: Increase nutrition of fluid milk served in schools

Fluid Milk Overview

 Requires schools to offer a variety of fluid milk consistent with the Dietary Guidelines

 Schools can serve fat-free (unflavored or flavored) and unflavored low-fat milk only

Fluid Milk Implementation

- Included in Proposed Rule: Nutrition Standards in the National School Lunch and School Breakfast Programs
 - ➤ January 13, 2011; Federal Register (76 FR 2494);
 - ➤ Submit public comments: <u>www.regulations.gov</u>
 - > 90-day comment period: 1/13/11 to 4/13/11

Fluid Milk Timeline

Implementation memo Spring 2011

• Implementing rule Fall 2011/Winter 2012

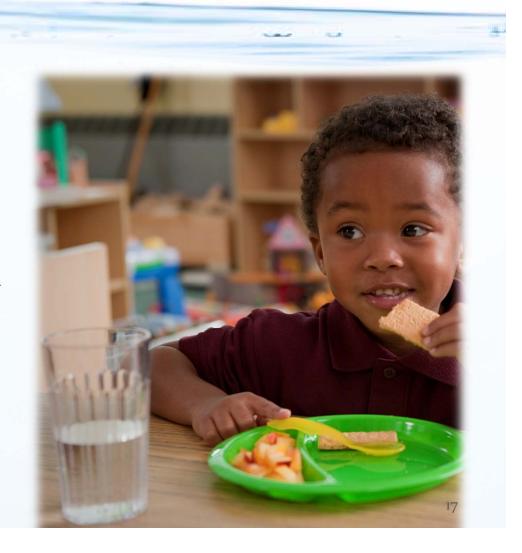
Water

• Section 203: schools must make free potable water available to children for consumption, as nutritionally appropriate, in the place where meals are served during meal service

• Intent: plain potable water should be available to children free of charge where and when meals are served

Water Timeline

- **Spring 2011:** Implementation Memo
- December 2011: Proposed Rule Published
- Summer 2013: Final Rule Published



Food Safety

Section 302: Applicability of food safety program

• Intent: Increase food safety in schools

Food Safety Overview

Applies the food safety requirements throughout the school campus where program foods are stored, prepared and served

Food Safety Implementation

- Implementation guidance Spring 2011
- Final Rule Fall 2011
- Update existing HACCP guidance

Coming in 2011-12

Equity in School Lunch Pricing

Section 205: Equity in School Lunch Pricing

 Intent: To ensure that sufficient funds are provided to the food service account for paid lunches

Paid Meal Equity Overview

- SFA compares the average price for paid lunches to the difference between the per meal Federal reimbursement for free and paid lunches
- For SY 2011-2012, if school food authority's average price of paid lunches now is \$2.46 or more, it is in compliance
- If now between \$1.60 and \$2.46, increase by at least 5 cents
- Other school food authorities must determine how they want to meet the requirement
- CANS will contact affected schools

Increasing revenue for paid lunches

- If a school food authority's average price for lunches is less than the difference between reimbursements, it must increase the price by 2% plus inflation by either
 - ➤ Increasing the price charged to children OR
 - ➤ Adding non-Federal funds to the food service account
- Any price increase may be—
 - Rounded down to the nearest 5 cents
 - Limited to a maximum of 10 cents

Impact on families

- If the SFA meets the requirement through a price increase, the provisions allowing rounding down and setting the maximum required increase minimize the impact on families
- The maximum required annual increase per child would be about \$20
- May instead use non-Federal sources to provide the required revenue

Reporting Prices of Paid Lunches

- Beginning in School Year 2011-2012, school food authorities must report their paid lunch prices to FNS through their State agency
- FNS must publish these prices
- What to report and method to report to be developed

Paid Meal Equity Implementation

- Fact Sheet issued in March 2011
- Interim rule Spring 2011
- We understand that SFAs are currently setting paid lunch prices. They should keep this provision in mind while going through this process.

Paid Meal Equity Timeline

- Effective July 1, 2011
- Interim rule publication in Spring 2011
 - Will be accepting comments
- Supporting guidance in Spring 2011
 - Will include reporting requirements for paid lunch prices
- All school food authorities must base prices for School Year 2011-2012 on these requirements

Indirect Cost

Section 307: Indirect Costs

• Intent: FNS to issue guidance to SFAs on program rules pertaining to indirect costs, and study the extent of indirect costs paid

Indirect Cost Overview

 Guidance will address program rules pertaining to indirect costs

 Study will assess extent to which indirect costs are charged

 The law also provides USDA the authority to issue regulations based on the results of the study

Indirect Cost Implementation

• Guidance will be issued by June 13, 2011 (no later than 180 days after the date of enactment)

 Report to Congress on results of the Study by October 1, 2013

Independent Review of Applications

Section 304: Independent review of applications

 Intent: Increase the accuracy of eligibility determinations in LEAs that demonstrate high levels of administrative errors.

Independent Review Overview

- Requires LEAs that demonstrate high levels of, or a high risk for, administrative error to have an additional person independently review eligibility determinations before sending out household notifications
- Establishes annual reporting requirements for each LEA required to conduct independent review of applications
- State agencies must annually report independent review results to USDA

Independent Review Timeline

Implementation memo Winter 2012

Proposed rule Winter 2012

• Final rule Winter 2013

Fines

 Section 303: Fines for Violating Program Requirements

• Intent: To provide an additional method for enforcing program compliance

Fines Overview

 Requires USDA to establish criteria and set the amount of fines that may be imposed upon States, SFAs or schools for gross mismanagement of any of the programs authorized under the National School Lunch Act or the Child Nutrition Act.

Formula for Fine Limits

- The amount of the fine cannot exceed:
 - a) I percent of the amount of meal reimbursements or funds for State administrative expenses earned during the fiscal year for the first finding of one or more program violations;
 - b) 5 percent of the funds described in (a) for the second finding of one or more program violations; and
 - c) 10 percent of the funds described in (a) for the third or subsequent finding of one or more program violations.

Fines Timeline

Proposed Rule Spring 2012

• Final Rule Spring 2013

Disqualified Schools and Institutions

• Section 362: Disqualified Schools, Institutions, and Individuals

 Intent: To allow disqualification to apply across the Child Nutrition Programs

Disqualification Overview

 Prohibits any school, institution, or individual that is terminated from one of the Child Nutrition Programs and on a list of disqualified institutions and individuals from participating in or administering any of the Child Nutrition Programs

Disqualification Timeline

Proposed Rule: Spring 2012

Final Rule: Spring 2013

Nutrition Environment

• **Section 209:** Information for the Public on the School Nutrition Environment

 Intent: To provide transparency to the public on key areas that affect the nutrition environment in each school

Nutrition Environment Overview

- Local Education Agencies (LEAs) Report on the Nutrition Environment for all their schools
- Provide Training and Technical Assistance on Assessment and Reporting
- Information to the Public Must be Accessible and Easily Understood

Nutrition Environment Overview

- Reporting to the Public
 - Food Safety Inspections
 - Local Wellness Policies
 - Meal Program Participation
 - Nutrition Quality of Program Meals
 - Other Appropriate Information



Nutrition Environment Implementation

Implementation Memo Spring 2011

 Develop Plan with CDC and ED for Technical Assistance Activities Spring 2011

Nutrition Environment Timeline

Proposed Rule Fall 2012

• Final Rule Fall 2013

Report to Congress January 2014

Ensuring the Safety of School Meals

Section 308: Ensuring the Safety of School Meals

 Intent: Improve the notification and timeliness of food safety actions

Safety of Meals Overview

- Improve Hold and Recall Procedures
 - Address the role of processors and distributors
- Work with States to increase the timeliness of food recall notifications to school food authorities
- Develop guidelines with FSA and AMS for administrative holds on USDA foods

Safety of Meals Implementation

- No regulations will be written
- Guidelines: Revision of "Responding to a Food Recall"
 - will include processors and distributors
 - will improve communication with States
- Grants to improve State recall communications with SFAs

Safety of Meals Timeline

- Revision of "Responding to a Food Recall" is in process
- Grants to States to improve communication will be available in FY 2012
- Guidelines for administrative holds exist
 - Update will include FSA

Performance-Based Reimbursement Rate Increase

- Section 201: Compliance/Certification for New School Meal Patterns
- Intent: Facilitate schools' adoption of the new meal requirements that are aligned with the Dietary Guidelines for Americans.

Meal Pattern Overview

- Requires USDA to publish a proposed rule to update the School Meals Nutrition Standards within 18 months of enactment
- Requires a final rule within 18 months of the proposal

Meal Pattern Implementation

- Proposed Rule: Nutrition Standards in the National School Lunch and School Breakfast Programs
 - ➤ January 13, 2011; Federal Register (76 FR 2494);
 - ➤ Submit public comments: <u>www.regulations.gov</u>
 - > 90-day comment period: 1/13/11 to 4/13/11
- USDA webinar on proposed rule
 - http://www.fns.usda.gov/multimedia/Webinars/Proposed Rule SessionNoQA 011911.wmv

Meal Pattern Timeline

Analyze public comments on proposed rule –
 Spring 2011

• Implementing rule Fall 2011/Winter 2012

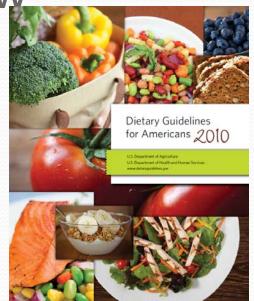
Certification of Compliance with Meal Pattern Requirements

- Section 201: Certification of compliance with new meal patterns.
- Intent: Provides standards for State agencies to certify that schools are in compliance with new meal pattern regulation and eligible for an additional 6 cents per lunch

Compliance Overview

 Schools certified in compliance with the interim/final regulations will be eligible to receive an additional 6 cents per lunch

 Rule will establish standards that State Agencies will use to certify schools that are eligible to receive the rate increase



Compliance Timeline

- Proposed Rule in Spring 2012
- Implementation memo on State certification of schools Spring 2012
- Funding allocation memo for State agencies
 Spring 2012
- Interim or Final Rule in Spring 2014

Reporting and Notification of School Performance

 Section 207: Reporting and Notification of School Performance

Intent: Improve reporting practices and increase transparency

Revenue from Nonprogram Foods Sold in Schools

Section 206: Revenue from Nonprogram Food

 Intent: To ensure that sufficient funds are provided to the food service account for foods sold in schools outside of reimbursable meals

Nonprogram Foods

- Food sold outside of program meals
- Purchased with funds from the school food service account
- Includes competitive foods as currently provided in regulations

Nonprogram Foods Overview

- A school food authority must ensure that the overall revenue from nonprogram foods is proportional to the cost of obtaining these foods
- If nonprogram food is purchased with the nonprofit school food service account, all revenue must accrue back to the account

Nonprogram Foods Implementation

• School food authorities should begin reviewing the cost of obtaining any nonprogram foods sold in relation to the revenue generated by their sale

Nonprogram Foods Timeline

- Effective July 1, 2011
- Interim rule Spring 2011
 - Will be accepting comments

All Foods Timeline

- December 2011: Proposed Rule Published
- **Summer 2013:** Final Rule Published



Starting in 2012-13

Direct Certification

Section 101: Improving Direct Certification

 Intent: To challenge States to move closer to full performance in directly certifying eligible SNAP children for free school meals.

Direct Certification Overview

- Direct Certification Rate Benchmarks
 - ➤ Benchmarks set for State direct certification rates for SNAP children
 - > States not meeting benchmarks each year must implement continuous improvement plans (CIPs)
 - ➤ Goal is for States to reach 95% and maintain at least this level
 - ➤ Eliminates Letter Method SD will use until electronic system is in place.

Direct Certification with Medicaid

- Section 103: Direct Certification for Children Receiving Medicaid Benefits
- Intent: Demonstration project to test the effectiveness of direct certification using Medicaid program data matching.

Direct Cert. Medicaid Overview & Timeline

- Phased in starting with SY 2012-13
- By SY 2014-15, and thereafter, will reach LEAs that collectively serve 10% of students certified for free and reduced price meals nationwide
- Suggests criteria for selecting States and LEAs to participate
- Provides \$5 million for FNS study to evaluate results

Professional Standards for School Food Service Personnel

- Section 306: Professional standards for school food service personnel
- Intent: Establish professional education and training standards for certification of local school food service directors and personnel, and criteria and standards for the selection of State Directors

Overview of Professional Standards

- Requires USDA to establish:
 - program of required education, training, and certification for all school food service directors
 - > criteria and standards for the selection of State directors
 - > required training and certification for local school food service personnel
- Provides funding on October 1, 2010 of \$5 million;
 \$1 million each October 1 thereafter.

Professional Standards Implementation

- USDA will:
 - Establish an action plan and form committee to recommend appropriate standards
 - ➤ Enter into contract for development of training modules, as defined by the committee
 - ➤ Enter into contract for ongoing certification of local directors and personnel

Professional Standards Timeline

• Establish action plan and form committee to recommend appropriate standards (Spring 2011)

Proposed Rule in Fall 2012

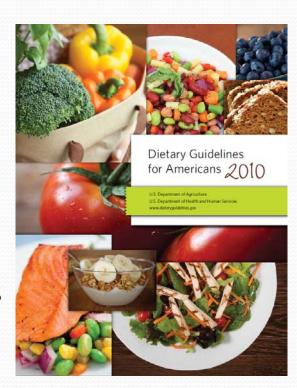
• Final Rule in Fall 2013

Compliance Timeline

- Proposed Rule in Spring 2012
- Implementation memo on State certification of schools Spring 2012
- Funding allocation memo for State agencies
 Spring 2012
- Interim or Final Rule in Spring 2014

All Foods Overview

- Consistent with the 2010 *Dietary Guidelines*
- Considerations:
 - authoritative scientific recommendations
 - > existing State, local, and other standards
 - practical application
 - special exemptions for infrequent schoolsponsored fundraisers



Local Wellness Policies (LWP)

• **Section 204:** Wellness policy requirements

• Intent: Strengthen local wellness policies so they become useful tools in evaluating, establishing and maintaining healthy school environments

LWP Overview

- Policies will include:
 - Goals for nutrition, physical activity and wellness
 - Guidelines to promote health and reduce obesity
 - Permission for certain groups to participate
- Local Education Agency determine specific policies appropriate for their schools

LWP Overview

- Technical Assistance and Best Practices will:
 - Provide information and technical assistance on establishing LWPs in consultation with CDC and ED
 - Provide model LWPs and best practices
- Study and Report to Congress on LWP Implementation, Strength and Effectiveness

LWP Implementation

Implementation Memo Spring 2011

 Develop Plan with CDC and ED for Technical Assistance Activities Spring 2011

LWP Timeline

Proposed Rule Fall 2012

• Final Rule Fall 2013

Report to Congress January 2014

Farm to School

 Section 243: Access to Local Foods: Farm to School Programs

 Intent: To fund competitive grants for Farm to School related activities

Farm to School Overview

- Grants may be used for training, supporting operations, planning, purchasing equipment, developing school gardens, developing partnerships and implementing Farm to School activities.
- Matching support from grantee
- Evaluation component must be included in grant
- Individual grants are not to exceed \$100,000
- Funding: \$5 Million beginning in October 2012 (FY 2013)

Farm to School Implementation

 More information about USDA's Farm to School Grants will be available later this year.

 Updates will be posted to "Available Grants" section of the USDA Farm to School website

http://www.fns.usda.gov/cnd/F2S

Farm to School Timeline

Request for Applications Winter 2012

• Grants awarded October 2012

Other

Community Eligibility and Census Data

Section 104(a): Universal Meal Service in High Poverty Areas.

 Section 104(b): Universal Meal Service through Census data and Socioeconomic Surveys

Intent: Provide alternatives to paper applications for claiming reimbursements in school food authorities serving a high percentage of identified students.

Application to SD

- Limited number of SFAs would benefit
- State will do outreach to applicable schools

School Breakfast Program Expansion

- Section 105: Grants for expansion of school breakfast program
- Intent: Expanding the school breakfast program
- Grants not funded through Reauthorization
- The President's 2012 budget requests \$10 million for these grants

Organic Food Pilot

- Section 210: Organic food pilot program
- Intent: Increase quantity of organic food in programs through competitive grants to SFAs
- This provision is not funded.

Procurement and Processing of Food Service Products and Commodities

- Section 242: Procurement and Processing of Food Service Products and Commodities
- Intent: To provide technical assistance to schools to assist them in obtaining and providing healthful foods that meet school meal standards and reflect the most recent *Dietary Guidelines for Americans*

Procurement Overview

- USDA must provide State Departments of Agriculture and Education, school food authorities, and local processing entities model product specification and practices for foods offered in school nutrition programs to ensure that the foods reflect the most recent Dietary Guidelines for Americans
- To the maximum extent practicable, the USDA Foods program will purchase the widest variety of healthful foods that reflect the most recent Dietary Guidelines

Procurement Overview Continued...

- FNS will carry out a **study to analyze the quantity and quality of nutritional information available to school food authorities** about food service products and commodities.
- Report findings and progress to Congress and identify recommendations designed to ensure this information is easily attainable by the SFAs.

Procurement Timeline

- FNS will complete the study and submit a report to Congress within one year of enactment of the legislation.
- FNS is in process of identifying and working with internal partners, industry and schools to develop and finalize a list of foods that will require model product specifications.
- FDD and CND are in the process of finalizing an additional set of questions on this topic that we hope to disseminate out through our external partners.

Full Use of Federal Funds

Section 361: Full Use of Federal Funds.

• Intent: Provide expectations for the use of Federal funds supporting the administration of programs authorized under the NSLA or the Child Nutrition Act of 1966.

Applies only to State Agencies

NSLP Equipment Assistance

 Section 443: Equipment Assistance Technical Correction

- Intent: Modifies existing legislation to allow schools that did NOT receive foodservice equipment funding under ARRA to receive FY2010 NSLP Equipment Assistance Grants.
- Does not affect SD grants were awarded.

Proposed Nutrition Standards for National School Lunch and School Breakfast

Short Version

Can view March 14 webinar on CANS
reauthorization page

Breakfast Fruit/Vegetable

- Fruits: Serve 1 cup per day at breakfast
 - No more than half of the fruit offerings may be in the form of 100% juice
 - At breakfast, non-starchy vegetables may be offered in place of fruits

Lunch Fruit and Vegetable

- Fruit/vegetable separated into 2 components
- Fruits: Serve daily at lunch
 - ½ cup to 1 cup fruit/day depending on age group
 - No more than half of the fruit offerings may be in the form of 100% juice

Vegetables at Lunch

Vegetables: 1 cup served <u>daily</u> at lunch

- A <u>weekly</u> serving from each of the vegetable subgroups to meet serving sizes:
 - dark green vegetables (e.g., broccoli, spinach)
 - orange vegetables (e.g., carrots, sweet potatoes, winter squash)
 - legumes (e.g., kidney beans, lentils, chickpeas)
 - other vegetables (e.g., tomatoes, onions, green beans, iceberg lettuce)
- 1 cup *maximum* starchy vegetables (e.g., corn, green peas, white potatoes) per week

Grains/Breads (now Grains)

- Upon implementation of final rule (2013) <u>half</u> of grains offered during the school week must be whole grain rich (at least 51% whole grain)
- 2 years post implementation of final rule, <u>all</u> grains offered during the school week must be whole grain rich.

Meat/Meat Alternate

- Meat/Meat Alternate:
 - Not many changes
 - By end of week need to meet total requirement as required by grade group
 - K-5 weekly requirement is 8 to 10 ounces
 - Grades 6-8 weekly requirement is 9 to 10 ounces
 - Grades 9-13 weekly requirement is 10-12 ounces

Proposed Sodium Reduction Timeline

2 Years Post Implementation:

- SFAs need to reduce sodium levels by 5-10% through menu & recipe modification
- 4 Years Post Implementation
- SFAs need to reduce sodium levels by 15-30% from by modifications and by industry and technology reducing sodium in available foods

10 Year Post Implementation:

 SFAs must be at 25-50% sodium reduction through innovation, new technology, and/or new food products

Can I make comments on these proposed regulations?

- YES Proposed regulations look for comments, questions, need for further information
- Submit through website, mail, or hand deliver.
- CANS site has access information: http://dev.doe.sd.gov/cans/cnr.asp
- Comments are due to USDA April 13, 2011

Resource for Information Updates CANS website – reauthorization page

http://dev.doe.sd.gov/cans/cnr.asp